May 2, 2013

The Honorable John Kline
Chairman
Education & the Workforce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable George Miller
Ranking Member
Education & the Workforce Committee
U.S. House of Representatives
Washington, DC 20515

Re: 200 National, State, and Local Organizations Ask Congress to
Protect Schoolchildren from Dangerous Restraint & Seclusion
And Pass the Keeping All Students Safe Act

Dear Representatives Kline and Miller,

We, the undersigned, believe it is time for a national policy addressing restraint and seclusion in our schools for all children. In 2009, a Government Accountability Office study found that children were injured, traumatized, and even killed through restraint and seclusion in schools. The GAO documented 20 deaths of school children. In March 2012, the Civil Rights Data Collection showed that nearly 40,000 students were physically restrained during the 2009-10 school year. The data also showed that restraint and seclusion are disproportionately used upon students with disabilities and minority students.

But few states restrict restraint and seclusion of all children to emergencies threatening physical danger to a person. Only 17 states prohibit the use of restraint of all children in non-emergencies; only 9 states protect all students from non-emergency seclusion. It is important that restraint and seclusion be limited to these emergencies. While federal law protects children and adults from the use of restraints and seclusion in hospitals, no similar federal laws protect children in schools. We strongly support the Keeping All Students Safe Act. We thank Congressman Miller and Congressman Harper for their leadership in introducing this bill and on restraint and seclusion. We ask Congress to pass the bill and create minimum restraint/seclusion standards in schools that will protect all children.

The Keeping All Students Safe Act will promote a shift toward preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports. This shift will help school personnel understand the needs of their students and safely address the source of challenging behaviors – a better result for everyone in the classroom. In many cases, the use of positive supports and interventions greatly
diminishes and even eliminates the need to use restraint and seclusion. For example, the Centennial School in Pennsylvania, which serves children in 35 school districts, has cut the use of restraint and seclusion from well over 1,000 occurrences per year to less than ten through the use of positive supports. Reports and studies have also shown that students and staff are safer when positive interventions and supports, rather than restraint and seclusion, are used in schools. Worker’s Compensation costs even decrease significantly.

The Keeping All Students Safe Act will protect all children in school. It will ensure that restraints are used only in emergencies posing an imminent threat of physical danger. If less restrictive and dangerous measures like de-escalation, conflict management, and positive behavioral supports will prevent the threat, the bill will require that they be used. The bill will provide similar protections from seclusion. The bill will require that schools take steps to notify parents within 24 hours, and follow up in writing. Today, 33 states lack laws requiring that parents of all children be informed when their child is subjected to these procedures. Prompt notification is important so parents can seek needed medical attention. The bill will ban the use of restraints that impede breathing or harm children or staff. Only 18 states ban restraints that impair breathing for all children. The bill will ensure that staff are properly trained in evidence-based methods to minimize the use of restraint and seclusion and to protect children and staff. Finally, the bills will require collection of data to better inform decision-making and provide needed sunshine.

We ask Congress to pass the Keeping All Students Safe Act and make our schools safer for students and staff. America needs more than the current patchwork of state laws to ensure that every child is safe and in a positive environment.

For more information about this letter, please contact Jessica Butler, Congressional Affairs Coordinator, Autism National Committee, jessica@jnba.net (www.autcom.org), 202-656-9166.

Signed By 200 National, State, and Local Organizations

54 National Organizations
Advocacy Institute
American Academy of Child and Adolescent Psychiatry
American Association for Geriatric Psychiatry
American Association on Health and Disability
American Psychiatric Association
American Psychiatric Nurses Association
Association of University Centers on Disabilities
Association on Higher Education And Disability (AHEAD)
Autism National Committee
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Boat People SOS, Inc.
Center for Law and Education
Conference of Educational Administrators of Schools and Programs for the Deaf
Council for Children with Behavioral Disorders (CCBD)
Council of Parent Attorneys and Advocates, Inc.
Disability Rights Education & Defense Fund
Disability Rights Legal Center
Dup15q Alliance, Inc.
Exceptional Parent
Families Against Restraint and Seclusion
Family Network on Disabilities
Gay Lesbian & Straight Education Network (GLSEN)
Gray Panthers
Higher Education Consortium for Special Education
Mental Health America
National Association of Councils on Developmental Disabilities
National Association of County Behavioral Health and Developmental Disability Disorders
National Autism Association
National Disability Rights Network
National Down Syndrome Congress
National Empowerment Center
National Federation of Families for Children’s Mental Health
National Fragile X Foundation
National Organization for Women Foundation
National Organization of Nurses with Disabilities (NOND)
OurChildrenLeftBehind.Com
Pacer Center
Parents and Teachers Against Violence in Education, Inc.
Pediatric Stroke Network, Inc.
Prader-Willi Syndrome Association (USA)
Self-Advocates Becoming Empowered (SABE) Board
Southern Poverty Law Center
Specialized Training Of Military Parents (STOMP)
TASH
Teacher Education Division of the Council on Exceptional Children
The Arc of the United States
The National Alliance on Mental Illness
The National Council on Independent Living (NCIL)
The William Kellibrew Foundation
United Cerebral Palsy
146 State and Local Organizations

California Association for Parent-Child Advocacy (CAPCA) CA
Disability Rights California CA
Families For Early Autism Treatment CA
Educate. Advocate. CA
Independent Living Resource Center, Inc. CA
Colorado Cross Disability Coalition CO
The Arc of Colorado CO
Arc Thriftstores of Colorado CO
Community Link CO
CP of Colorado CO
Easter Seals of Colorado CO
Family Voices Colorado CO
Mental Health America of Colorado CO
Rocky Mountain Down Syndrome Association CO
AdvocacyDenver CO
The Arc – Jefferson, Clear Creek & Gilpin Counties CO
The Arc of Aurora (CO) CO
The Arc of the Pikes Peak Region CO
Connecticut Parent Advocacy Center CT
Connecticut Parent's Union CT
SpEd Connecticut, Inc. CT
Autism Spectrum Differences Institute of New England, Inc. CT
Advocates for Justice and Education DC
Governor’s Advisory Council for Exceptional Citizens DE
Southern Legal Counsel, Inc. FL
Legal Aid Society of Palm Beach County FL
Center for Independent Living of South Florida, Inc. FL
disAbility Solutions for Independent Living FL
Reversesco ABA Therapy FL
Parent to Parent of Georgia GA
The Arc of Georgia GA
Autism Society Georgia Chapter GA
Georgia Families Against Restraint and Seclusion GA
Gwinnett SToPP GA
Apraxia in Metro Atlanta GA
Living Independence for Everyone (LIFE), Inc. GA
Autism Society of Hawaii HI
Hawai‘i Parents Special Education Advisory Council (HIP-SEAC) HI
Autism Bridges of Maui HI
Disability Rights Iowa IA
Iowa School Social Work Association IA
Tri State Down Syndrome Network IA
Illinois Children’s Mental Health Partnership IL
Mental Health Summit of Illinois IL
Illinois School Counselor Association IL
Mental Health America of Illinois IL
LIFE Center for Independent Living IL
Mothers on a Mission, Inc. IL
Special Kids, Special Families IL
The Arc of Indiana IN
Disability Rights Center of Kansas KS
The Arc of Kentucky KY
Kentucky Protection & Advocacy KY
Disability Law Center (of Massachusetts) MA
The Arc of Massachusetts MA
Mental Health Legal Advisors Committee Massachusetts MA
Lichtenstein Creative Media, Inc. MA
LDA of St. Mary's County MD
Maryland Coalition for Inclusive Education MD
Maryland Disability Law Center MD
Maryland Education Advocacy Coalition for Students with Disabilities MD
Parent Advocacy Network for Differently-Abled MD
Maine Developmental Disabilities Council ME
Disability Rights Center Maine ME
Maine Parent Federation, Inc. ME
Michigan Alliance for Special Education MI
Michigan Association of Community Mental Health Boards MI
Michigan Developmental Disabilities Council MI
Michigan Disability Rights Coalition MI
The Arc Michigan MI
The Arc of Northwest Wayne County MI
The Respect ABILITY Law Center MI
Autism Society of Minnesota MN
Minnesota Disability Law Center of Mid-Minnesota Legal Aid (Minnesota Protection & Advocacy Center) MN
Minnesota Governor's Council on Developmental Disabilities MN
Minnesota State Council on Disability MN
The Arc Minnesota
Missouri Developmental Disabilities Council
Down Syndrome Association of Greater St. Louis
The Arc of Mississippi
Disability Rights Mississippi
Just Advocacy of Mississippi
Mississippi Center for Justice
Mississippi Families as Allies
Mississippi Psychiatric Association
Parents United Together
ADAPT Montana
Parents, Let's Unite for Kids - PLUK
Disability Rights North Carolina
Council for Children's Rights
Monarch/The Arc of Stanly County
Tammy Lynn Center for Developmental Disabilities
The Arc of Davidson County, North Carolina
Education Law Center
Statewide Parent Advocacy Network
Disability Rights New Jersey
The Arc of New Jersey
Epilepsy Foundation of New Jersey
Family Voices New Jersey
Learning Disabilities Association of New Jersey
New Jersey Association of Mental Health and Addiction Agencies, Inc.
New Jersey Coalition for Inclusive Education, Inc.
New Jersey Special Education Practitioners
New Jersey PTA
NJ Association of School Psychologists (NJASP)
Autism Family Services of New Jersey
Special Education Leadership Council of NJ
Total Living Center, Inc.
Advocacy for Children with dis-Abilities
Pegasus Legal Services for Children
The Center for Self Determination
New York State Independent Living Council
Everyone Reading, Inc.
Independent Living Center of the Hudson Valley Inc. (ILCHV)
Independent Living Inc.
Jonathan Carey Foundation
NYSARC
Southern Tier ADAPT NY
Southern Tier Independence Center NY
The Arc of Ohio OH
The Arc of Pennsylvania PA
Rhode Island Parent Information Network RI
Protection and Advocacy for People with Disabilities - South Carolina SC
The Arc of South Carolina SC
The Arc of Pickens County, SC SC
Camp T.A.L.K. SC
The Arc Tennessee TN
The Arc of Davidson County, Tennessee TN
Texas Network of Youth Services TX
DFW Interfaith Coffee House TX
Special Needs Resource Project UT
The Arc of Virginia VA
Endependence Center, Inc. VA
Virginia Association of Centers for Independent Living VA
The Arc of Central Virginia VA
The Arc of Northern Virginia VA
Autism Society of Northern Virginia VA
Autism Society of Central Virginia VA
disAbility Resource Center VA
PELE Special Education Advocacy Clinic, William & Mary Law School VA
Medical Home Plus, Inc. VA
Disability Law Project of Vermont Legal Aid, Inc. VT
PAVE – Partnerships for Action, Voices for Empowerment WA
Washington State Developmental Disabilities Council WA
Autism Society of Washington WA
Wisconsin Family Assistance Center for Education, Training and Support, Inc. (WI FACETS) WI
Parents Helping Parents of WY, Inc WY